

clerk's copy

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED

KEITH RAYMOND CARTER,

UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

Plaintiff,

JAN 05 1999

No. CIV-98-0026 LH/RJD

v.

CAROL OLEKSAK,  
TIM ARNOLD,

Robert M. Mach  
CLERK

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court to consider Plaintiff's amended motion for free process (Doc. #52) filed December 1, 1998. Plaintiff asks that the order which allowed him to proceed under 28 U.S.C. § 1915 be extended to include copy costs at his place of incarceration. "[Plaintiff]'s principal error ... is his apparent belief that an order granting leave to proceed in forma pauperis, without the payment of the 'fees and costs' referenced in 28 U.S.C. § 1915(a), includes the right to have free copies of any documents in the record the indigent party desires. It does not; ...." *Guinn v. Hoecker*, 43 F.3d 1483 (Table, text in Westlaw), 1994 WL 702684 (10th Cir. 1994) (upholding requirement that movant prove need for documents), *cert. denied*, 514 U.S. 1118 (1995); *see also Schwarz v. Interpol, Office Of Information And Privacy*, 48 F.3d 1232 (Table, text in Westlaw), 1995 WL 94664, at \*\*2 (10th Cir.), *cert. denied*, 515 U.S. 1146, *reh'g denied*, 515 U.S. 1180 (1995); *United States v. Anderson*, No. 2:94cr163, 1997 WL 138970, at \*3 (E.D. Va. March 14, 1997) (indigent must show particularized need). Defendant's motion makes no showing of a particular need for the documents, and the motion will be denied.

IT IS THEREFORE ORDERED that Plaintiff's motion amended motion for free process (Doc. #52) filed December 1, 1998, is DENIED.

  
UNITED STATES DISTRICT JUDGE

54